

REMARKS

Status of Claims

Claims 1-9, 11, 12, and 14-21 are pending, with claims 1 and 20 being independent.

Applicants note with appreciation the indication of allowance of claim 20 and allowable subject matter of claims 15-18 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejection - 35 U.S.C. §102

Claims 1-9, 11, 12, 14, 19 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by Hasegawa et al. (US 2004/0147134). It is noted that pursuant to the telephone conversation between the Examiner and the Applicants' representative, the cited prior art reference is US 2004/0147134, not US 2005/0269584. Applicants respectfully traverse this rejection for at least the following reasons.

Hasegawa appears to disclose a semiconductor laser optical device comprising an n-type clad layer 13 formed on a sapphire substrate 11, an active layer 15 formed on the n-type clad layer 13, an n-type contact layer 12 formed between the substrate 11 and the n-type layer 13, and n-type light guide layer 14 formed between the n-type clad layer 13 and the active layer 15 (see, Fig. 1 and paragraphs [0044]-[0047]).

However, the n-type clad layer 13 of Hasegawa is made of $Al_{0.07}Ga_{0.93}N$ (see, paragraph [0046] of Hasegawa). It is clear that, at a minimum, Hasegawa fails to disclose or suggest that a first n-type semiconductor layer, i.e., the n-type clad layer 13 contains indium (In). Hasegawa also fails to disclose the substrate made of group III-V nitride semiconductor because Hasegawa uses a sapphire substrate (see, paragraph [0044] of Hasegawa).

To anticipate, every element and limitation of the claimed subject matter must be found in a single prior art reference, arranged as in the claims. *Brown v. 3M*, 265 F.3d. 1349, 60 USPQ2d 1375 (Fed. Cir. 2001). At a minimum, the cited prior art does not disclose expressly or inherently the above discussed limitation of claim 1. Accordingly, claim 1 and all claims dependent thereon are patentable over Hasegawa. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-9, 11, 12, 14, 19 and 21 under 35 U.S.C. §102(b).

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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